

House File 359 - Enrolled

House File 359

AN ACT

RELATING TO THE MODIFICATION OF A BRIDGE ORDER ISSUED PURSUANT
TO A PREVIOUS CHILD IN NEED OF ASSISTANCE CASE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 232.103B Child in need of
assistance cases — transfer of jurisdiction pursuant to bridge
modification order.

1. A juvenile court may close a child in need of assistance
case by returning jurisdiction of the child's custody to the
district court through an order modifying issues of legal
custody, physical care, and parenting time if all of the
following criteria have been met:

a. The child has been adjudicated a child in need of
assistance in an active juvenile court case, and a permanency
order is in place in that case.

b. Legal paternity has been established for the child.

c. The child is safely unified with a parent.

d. The district court has issued an order concerning
custody, physical care, and parenting time regarding the child
and the order is in place at the time of the filing of the child
in need of assistance petition.

e. The juvenile court has determined that the child in need of assistance case can safely close when the modified district court order for custody, physical care, and parenting time is in place.

f. Either parent has qualified for a court-appointed attorney in the juvenile case.

2. When the criteria specified in subsection 1 are met, any party to a child in need of assistance proceeding in juvenile court may file a motion with the juvenile court for a bridge modification order as described in subsection 1. Such motion shall be set for hearing by the juvenile court no less than thirty days but not more than ninety days from the date of filing of the motion. The juvenile court, on its own motion, may set a hearing on the issue of the bridge modification order if such hearing is set no less than thirty days from the date of notice to the parties.

3. Bridge modification orders shall only address legal custody, physical care, and parenting time. All other matters, including child support, shall be filed by separate petition in district court, and shall be subject to existing statutory requirements.

4. Upon transferring jurisdiction, the clerk of court shall docket the bridge modification order in the current district court custodial order court file. The clerk of court shall not assess any filing fees or other court costs. The juvenile court shall follow the previously designated listing of the parties as petitioner and as respondent for the purposes of the bridge modification order.

5. The district court shall take judicial notice of the current child in of assistance case related to the bridge modification order, as well as any prior child in need of assistance cases relating to any prior bridge orders in any hearing related to the case. Records that are copied or transferred from the juvenile court file shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency. Such documents shall be disclosed, upon request, to the child support recovery unit without a court order, subject to any statutory confidentiality provisions.

6. Nothing in this section shall be construed to require the appointment of counsel for the parties in the district court action.

PAT GRASSLEY
Speaker of the House

AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 359, Ninetieth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2023

KIM REYNOLDS
Governor